

Application Serial No: 10/532,888
Responsive to the Office Action mailed on: December 17, 2007

REMARKS

This Amendment is in response to the Office Action mailed on December 17, 2008. Claims 1 and 5 are amended. Claim 1 is amended editorially to include the features of claim 4. Claim 5 is amended editorially to track the amendments to claim 1. Claim 4 is cancelled without prejudice or disclaimer. No new matter is added. The Amendment incorporates the features of an existing dependant claim into the independent claim and thus should be entered. Claims 1, 3 and 5-11 are pending.

§112, Second Paragraph:

Claims 1 and 3-11 are rejected as being indefinite. In particular, claim 1 is rejected for reciting a "cartridge" in the phrase "for latching the cartridge by biased engagement with any of the plurality of groove portions". Applicant notes that the nature of the case in claim 1 is to hold a "cartridge", and any recitation of the term "cartridge" is merely provided to allow the various features of the case to be more easily understood. Withdrawal of this rejection is requested.

§102 Rejections:

Claims 1, 4 and 11 are rejected as being anticipated by Law (US Patent No. 6,164,446). This rejection is traversed.

Claim 1 is directed to a case for holding a cartridge that requires, among other features, a release member disposed at a location near one of the two latching members disposed at opposite diagonal corners of a cartridge, for releasing the latching of the cartridge with the plurality of latching members and the plurality of groove portions. Claim 1 further requires that the release member and said one latching member are provided at a corner of the cartridge in a state in which the cartridge has been installed. Accordingly, when the latching of the latching component is released by the release component and a cartridge is lifted up from the cartridge holding component, the lifted part will be the corner of the cartridge which can be grasped by a hand, making it easier to remove the cartridge (see page 11, lines 26-30).

Law does not disclose or suggest these features. Law is directed to a data disc box that includes a hook (70) and a tab (74) that the rejection interprets as the latching

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member and the release member of claim 1, respectively. The hook (70) and the tab (74) are integrated together with the tab (74) disposed outside the hook (70) and positioned on an extension of the diameter of the disc (see Figure 1 of Law). Thus, the tab (74) and the hook (70) cannot be disposed so as to sandwich a corner of the disc. Accordingly, the hook (70) and the tab (74) of Law cannot be configured such that the tab (74) and the hook (70) are provided at a corner of the disc in a state in which the disc has been installed, as required by the release member and the latching member of claim 1. For at least these reasons claim 1 is not suggested by Law. Claim 11 depends from claim 1 and should be allowed for at least the same reasons.

§103 Rejections:

Claims 3, 7 and 11 are rejected as being unpatentable over Law in view of Chiu (US Patent Publication No. 20002/0100701). This rejection is traversed. Claims 3, 7 and 11 depend from claim 1 and should be allowed for at least the same reasons described above. Applicant does not concede the correctness of this rejection.

Claims 5 and 6 are rejected as being unpatentable over Law in view of Deja (US Patent No. 5,526,926). This rejection is traversed. Claims 5 and 6 depend from claim 1 and should be allowed for at least the same reasons described above. Applicant does not concede the correctness of this rejection.

Chiu and Deja References:

Applicant notes the following with respect to claim 1 as it applies to the Chiu and Deja references. As discussed above, claim 1 requires that the release member be provided with said one latching member at a corner of the cartridge in a state in which the cartridge has been installed. Chiu is directed to a DVD-holding case that uses a finger hole (51, 52) for pushing the DVD upward when an ear (5) is depressed. Deja is directed a storage case for compact discs that includes a cover section (14) that when depressed, lifts the lifting element (16) above which the compact disk rests. However, neither of these references teach or suggest that a release member and a latching member are

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provided at a corner of the cartridge in a state in which the cartridge has been installed, as required by claim 1.

Conclusion:

Applicant respectfully asserts that claims 1, 3 and 5-11 are in condition for allowance. If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicant's primary attorney-of record, Douglas P. Mueller (Reg. No. 30,300), at (612) 455-3804.

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Respectfully submitted,

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